



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3501**

Introduced 2/23/2005, by Rep. David Reis

**SYNOPSIS AS INTRODUCED:**

720 ILCS 570/402

from Ch. 56 1/2, par. 1402

Amends the Illinois Controlled Substances Act. Provides that the illegal possession of any amount of methamphetamine is a Class X felony (rather than a Class 1 felony for possession of 15 grams or more of any substance containing methamphetamine or a Class 4 felony for possession of less than 15 grams of any substance containing methamphetamine).

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 402 as follows:

6 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

7 Sec. 402. Except as otherwise authorized by this Act, it is  
8 unlawful for any person knowingly to possess a controlled or  
9 counterfeit substance. A violation of this Act with respect to  
10 each of the controlled substances listed herein constitutes a  
11 single and separate violation of this Act.

12 (a) Any person who violates this Section with respect to  
13 the following controlled or counterfeit substances and  
14 amounts, notwithstanding any of the provisions of subsections  
15 (c) and (d) to the contrary, is guilty of a Class 1 felony and  
16 shall, if sentenced to a term of imprisonment, be sentenced as  
17 provided in this subsection (a) and fined as provided in  
18 subsection (b):

19 (1) (A) not less than 4 years and not more than 15  
20 years with respect to 15 grams or more but less than  
21 100 grams of a substance containing heroin;

22 (B) not less than 6 years and not more than 30  
23 years with respect to 100 grams or more but less than  
24 400 grams of a substance containing heroin;

25 (C) not less than 8 years and not more than 40  
26 years with respect to 400 grams or more but less than  
27 900 grams of any substance containing heroin;

28 (D) not less than 10 years and not more than 50  
29 years with respect to 900 grams or more of any  
30 substance containing heroin;

31 (2) (A) not less than 4 years and not more than 15

1 years with respect to 15 grams or more but less than  
2 100 grams of any substance containing cocaine;

3 (B) not less than 6 years and not more than 30  
4 years with respect to 100 grams or more but less than  
5 400 grams of any substance containing cocaine;

6 (C) not less than 8 years and not more than 40  
7 years with respect to 400 grams or more but less than  
8 900 grams of any substance containing cocaine;

9 (D) not less than 10 years and not more than 50  
10 years with respect to 900 grams or more of any  
11 substance containing cocaine;

12 (3) (A) not less than 4 years and not more than 15  
13 years with respect to 15 grams or more but less than  
14 100 grams of any substance containing morphine;

15 (B) not less than 6 years and not more than 30  
16 years with respect to 100 grams or more but less than  
17 400 grams of any substance containing morphine;

18 (C) not less than 6 years and not more than 40  
19 years with respect to 400 grams or more but less than  
20 900 grams of any substance containing morphine;

21 (D) not less than 10 years and not more than 50  
22 years with respect to 900 grams or more of any  
23 substance containing morphine;

24 (4) 200 grams or more of any substance containing  
25 peyote;

26 (5) 200 grams or more of any substance containing a  
27 derivative of barbituric acid or any of the salts of a  
28 derivative of barbituric acid;

29 (6) 200 grams or more of any substance containing  
30 amphetamine or any salt of an optical isomer of  
31 amphetamine;

32 (6.5) (blank); ~~(A) not less than 4 years and not more~~  
33 ~~than 15 years with respect to 15 grams or more but less~~  
34 ~~than 100 grams of a substance containing~~  
35 ~~methamphetamine or any salt of an optical isomer of~~

1 ~~methamphetamine;~~

2 ~~(B) not less than 6 years and not more than 30~~  
3 ~~years with respect to 100 grams or more but less than~~  
4 ~~400 grams of a substance containing methamphetamine or~~  
5 ~~any salt of an optical isomer of methamphetamine;~~

6 ~~(C) not less than 8 years and not more than 40~~  
7 ~~years with respect to 400 grams or more but less than~~  
8 ~~900 grams of a substance containing methamphetamine or~~  
9 ~~any salt of an optical isomer of methamphetamine;~~

10 ~~(D) not less than 10 years and not more than 50~~  
11 ~~years with respect to 900 grams or more of any~~  
12 ~~substance containing methamphetamine or any salt of an~~  
13 ~~optical isomer of methamphetamine;~~

14 (7) (A) not less than 4 years and not more than 15  
15 years with respect to: (i) 15 grams or more but less  
16 than 100 grams of any substance containing lysergic  
17 acid diethylamide (LSD), or an analog thereof, or (ii)  
18 15 or more objects or 15 or more segregated parts of an  
19 object or objects but less than 200 objects or 200  
20 segregated parts of an object or objects containing in  
21 them or having upon them any amount of any substance  
22 containing lysergic acid diethylamide (LSD), or an  
23 analog thereof;

24 (B) not less than 6 years and not more than 30  
25 years with respect to: (i) 100 grams or more but less  
26 than 400 grams of any substance containing lysergic  
27 acid diethylamide (LSD), or an analog thereof, or (ii)  
28 200 or more objects or 200 or more segregated parts of  
29 an object or objects but less than 600 objects or less  
30 than 600 segregated parts of an object or objects  
31 containing in them or having upon them any amount of  
32 any substance containing lysergic acid diethylamide  
33 (LSD), or an analog thereof;

34 (C) not less than 8 years and not more than 40  
35 years with respect to: (i) 400 grams or more but less  
36 than 900 grams of any substance containing lysergic

1 acid diethylamide (LSD), or an analog thereof, or (ii)  
2 600 or more objects or 600 or more segregated parts of  
3 an object or objects but less than 1500 objects or 1500  
4 segregated parts of an object or objects containing in  
5 them or having upon them any amount of any substance  
6 containing lysergic acid diethylamide (LSD), or an  
7 analog thereof;

8 (D) not less than 10 years and not more than 50  
9 years with respect to: (i) 900 grams or more of any  
10 substance containing lysergic acid diethylamide (LSD),  
11 or an analog thereof, or (ii) 1500 or more objects or  
12 1500 or more segregated parts of an object or objects  
13 containing in them or having upon them any amount of a  
14 substance containing lysergic acid diethylamide (LSD),  
15 or an analog thereof;

16 (7.5) (A) not less than 4 years and not more than 15  
17 years with respect to: (i) 15 grams or more but less  
18 than 100 grams of any substance listed in paragraph  
19 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
20 (25), or (26) of subsection (d) of Section 204, or an  
21 analog or derivative thereof, or (ii) 15 or more pills,  
22 tablets, caplets, capsules, or objects but less than  
23 200 pills, tablets, caplets, capsules, or objects  
24 containing in them or having upon them any amount of  
25 any substance listed in paragraph (1), (2), (2.1), (3),  
26 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
27 subsection (d) of Section 204, or an analog or  
28 derivative thereof;

29 (B) not less than 6 years and not more than 30  
30 years with respect to: (i) 100 grams or more but less  
31 than 400 grams of any substance listed in paragraph  
32 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
33 (25), or (26) of subsection (d) of Section 204, or an  
34 analog or derivative thereof, or (ii) 200 or more  
35 pills, tablets, caplets, capsules, or objects but less  
36 than 600 pills, tablets, caplets, capsules, or objects

1 containing in them or having upon them any amount of  
2 any substance listed in paragraph (1), (2), (2.1), (3),  
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
4 subsection (d) of Section 204, or an analog or  
5 derivative thereof;

6 (C) not less than 8 years and not more than 40  
7 years with respect to: (i) 400 grams or more but less  
8 than 900 grams of any substance listed in paragraph  
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),  
10 (25), or (26) of subsection (d) of Section 204, or an  
11 analog or derivative thereof, or (ii) 600 or more  
12 pills, tablets, caplets, capsules, or objects but less  
13 than 1,500 pills, tablets, caplets, capsules, or  
14 objects containing in them or having upon them any  
15 amount of any substance listed in paragraph (1), (2),  
16 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or  
17 (26) of subsection (d) of Section 204, or an analog or  
18 derivative thereof;

19 (D) not less than 10 years and not more than 50  
20 years with respect to: (i) 900 grams or more of any  
21 substance listed in paragraph (1), (2), (2.1), (3),  
22 (14.1), (19), (20), (20.1), (21), (25), or (26) of  
23 subsection (d) of Section 204, or an analog or  
24 derivative thereof, or (ii) 1,500 or more pills,  
25 tablets, caplets, capsules, or objects containing in  
26 them or having upon them any amount of a substance  
27 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),  
28 (20), (20.1), (21), (25), or (26) of subsection (d) of  
29 Section 204, or an analog or derivative thereof;

30 (8) 30 grams or more of any substance containing  
31 pentazocine or any of the salts, isomers and salts of  
32 isomers of pentazocine, or an analog thereof;

33 (9) 30 grams or more of any substance containing  
34 methaqualone or any of the salts, isomers and salts of  
35 isomers of methaqualone;

36 (10) 30 grams or more of any substance containing

1 phencyclidine or any of the salts, isomers and salts of  
2 isomers of phencyclidine (PCP);

3 (10.5) 30 grams or more of any substance containing  
4 ketamine or any of the salts, isomers and salts of isomers  
5 of ketamine;

6 (11) 200 grams or more of any substance containing any  
7 substance classified as a narcotic drug in Schedules I or  
8 II which is not otherwise included in this subsection.

9 (a-1) Any person who violates this Section with respect to  
10 the following amounts of any substance containing  
11 methamphetamine or any salt of an optical isomer of  
12 methamphetamine is guilty of a Class X felony and shall be  
13 sentenced as provided in this subsection (a-1) and fined as  
14 provided in subsection (b):

15 (1) not less than 6 years and not more than 30 years  
16 with respect to less than 400 grams of a substance  
17 containing methamphetamine or any salt of an optical isomer  
18 of methamphetamine;

19 (2) not less than 8 years and not more than 40 years  
20 with respect to 400 grams or more but less than 900 grams  
21 of a substance containing methamphetamine or any salt of an  
22 optical isomer of methamphetamine;

23 (3) not less than 10 years and not more than 50 years  
24 with respect to 900 grams or more of any substance  
25 containing methamphetamine or any salt of an optical isomer  
26 of methamphetamine.

27 (b) Any person sentenced with respect to violations of  
28 paragraph (1), (2), (3), ~~(6.5)~~, (7), or (7.5) of subsection (a)  
29 or subsection (a-1) involving 100 grams or more of the  
30 controlled substance named therein, may in addition to the  
31 penalties provided therein, be fined an amount not to exceed  
32 \$200,000 or the full street value of the controlled or  
33 counterfeit substances, whichever is greater. The term "street  
34 value" shall have the meaning ascribed in Section 110-5 of the  
35 Code of Criminal Procedure of 1963. Any person sentenced with  
36 respect to any other provision of subsection (a), may in

1 addition to the penalties provided therein, be fined an amount  
2 not to exceed \$200,000.

3 (c) Any person who violates this Section with regard to an  
4 amount of a controlled or counterfeit substance not set forth  
5 in subsection (a), (a-1), or (d) is guilty of a Class 4 felony.  
6 The fine for a violation punishable under this subsection (c)  
7 shall not be more than \$25,000.

8 (d) Any person who violates this Section with regard to any  
9 amount of anabolic steroid is guilty of a Class C misdemeanor  
10 for the first offense and a Class B misdemeanor for a  
11 subsequent offense committed within 2 years of a prior  
12 conviction.

13 (Source: P.A. 91-336, eff. 1-1-00; 91-357, eff. 7-29-99;  
14 92-256, eff. 1-1-02.)